one of her legitimate hopes, she has not missed any occasion to manifest her peace sentiments and her lively desire to substitute in the place of the bloody chances of war and the abuse of force, the principle of international arbitration, inspired by justice and right.

Thanks to the judicial labors and the active propaganda of the peace societies, so numerous in the two worlds; thanks to the interparliamentary conferences holding their sessions each year since 1889 in the different European capitals; thanks, we must say also, to the success of all the attempts at arbitration already made, before and since the Alabama affair, this beneficent idea of solving all international conflicts by means of arbitration, is impressing itself upon the minds of nations and of parliaments.

Several years ago the American republics concluded at Washington a permanent treaty of arbitration between themselves, and more recently, in June, 1893, the British House of Commons, with the support of Mr. Gladstone, then at the head of the Cabinet, passed by a unanimous vote, the proposition of Mr. Cremer and of Sir John Lubbock for the conclusion of a similar treaty with the United States.

We understand very well that, because of a feeling of pride not unworthy of a great nation so cruelly treated, the French government was not at first in haste to take the initiative in such a measure; but, gentlemen, the times have changed; the equilibrium has been restored; Europe is now conscious of our strength and respects us.

This is why — after the peace sentiments that were expressed by France with so much force and unanimity by the memorable manifestations that marked the reception of the Russian marines in 1893, and which have not ceased to animate her since that time — we are certain that by our proposition we are acting in harmony with her most cherished wishes.

The conclusion of a permanent treaty of arbitration between the French republic and the republic of the United States, whose acceptance is certain, will be a new proof of the friendship of the two great nations, a new pledge given to the world, progress towards the diminishing of military expenses, in short, a grand example, which, we have the firm conviction, coming as it does from such a high source, will soon be followed by all civilized peoples.

Therefore, gentlemen, we have the honor to ask of you the adoption of the following proposition:

"The Chamber invites the government to negotiate as soon as possible the conclusion of a permanent treaty of arbitration between the French republic and the republic of the United States of America."

In the recent death of Hon. H. O. Houghton, head of the great Publishing House of Houghton, Mifflin & Co., humanity has lost one of its best and truest friends. He had been for many years one of the honorary vice-presidents of the American Peace Society.

RULES RELATING TO A TREATY OF INTERNATIONAL ARBITRATION.

Prepared by the SPECIAL COMMITTEE, *appointed in London, October* 10, 1893.

1. Unless it be intended that all possible differences between the nations, parties to the treaty, are to be referred to Arbitration, the class of differences must be defined.

2. If the tribunal to which the reference is made is to be specially constituted, as between the nations, parties to the treaty, full provision for its due constitution must be made. Under this head provision for filling vacancies in the tribunal will naturally find place.

Suggestions:—

a The members of these Tribunals should not be representatives or subjects of any one of the States which are parties to the Arbitration, or of other States which have a direct interest in the solution of the question at issue.

b By way of greater guarantee of independence, the Tribunal should be composed of five or more members, who shall not be capable of having others substituted for them, or of being themselves removed, except for such causes as would, under ordinary rules of procedure, lead to their removal or to the substitution of other judges.

3. If the tribunal is to be specially constituted, the place of meeting must be fixed. This should be outside the territories of the parties to the controversy.

4. If the tribunal consists of more than two members, provision should be made for the decision of all questions by a majority of the arbitrators; but the dissentient members should have the right of recording their dissent and the grounds thereof.

5. Each party should be required to appoint an agent to represent it in all matters connected with the arbitration.

6. The Treaty should provide that if doubts arise as to whether a given subject of controversy be comprised among those agreed upon as subjects of Arbitration in it, and if one of the parties require the doubt to be settled by Arbitration, the other party must submit to such Arbitration, but may require that the judgment be limited to the admissibility of the demand for Arbitration.

7. The procedure should be fixed by the Treaty. It is suggested that a procedure by case, counter-case, and printed argument, each delivered by both parties simultaneously at a fixed date, with final oral argument (debate), is generally the most suitable. But the essential is that the procedure should be defined. The periods of the time allowed for the delivery of cases, counter-cases, and printed arguments should be fixed by the Treaty, but the tribunal should have the power of extending the time. The tribunal itself should fix the time for hearing the oral argument (debate).

8. Either party should be entitled to require production of any document in the possession or under the control of the other party, which in the opinion of the tribunal is relevant to a question in dispute.

9. Neither party should be entitled to put in evidence documents (hereinafter called "domestic documents") which, having existed, or purporting to have existed,

before the difference arose, were in possession of or known by one party or its predecessors in title, and not communicated to the other party or its predecessors in title, before the difference arose.

10. Solemn written statements (*depositions ercites*) made by a witness before a public officer should be admissible in evidence as proof of relevant facts, subject to the right hereinafter mentioned of cross-examining the witness. The probative value of such statements would be for the tribunal.

11. Either party should be entitled to require the other to produce, for oral examination before the tribunal at the hearing, any witness making on behalf of that other party such a statement as is mentioned in paragraph 10, whether the witness be amenable to the jurisdiction of the other party or not.

12. Irrelevant evidence, domestic documents, and the statements of witnesses not produced for oral examination though required, should, on the application of the party against which they are adduced, be expunged from evidence; and the tribunal, on a like application, should be at liberty to direct the reprinting of any volume of case, counter-case, printed argument, or appendix, in which the same should appear or be discussed.

13. The decision should be embodied in a written award in duplicate, made and delivered to the agents within a specified time (*delai*) from the close of the hearing.

RULES RELATING TO AN INTERNATIONAL COURT OF ARBITRATION.

Proposed by Prof. CORSI, *and translated by the late Mr.* C. H. E. CARMICHAEL.

RULE 1. It being agreed that Courts of Arbitration are called upon to interpret and apply the principles of Law and the Conventions in force among the States which are parties to the Arbitration, the members of these Courts must never be representatives or subjects of any one of said States, or of other States which have a direct interest in the solution of the question at issue.

RULE 2. By way of greater guarantee of independence, the Court of Arbitration should be composed of five or more members, who shall not be capable of having others substituted for them, or of being themselves removed, except for such causes as would, under ordinary rules of procedure, lead to their removal or to the substitution of other judges.

RULE 3. The Court of Arbitration shall have its seat, if possible, outside the territories of the parties to the controversy, and, in any case, its members must be treated as a Diplomatic Mission of the first grade, whether in the matter of the honors paid to them and the immunity of the members in the exercise of their functions, or of public offences on the part of the press or other against their vote and decision.

RULE 4. Every Court of Arbitration is competent to resolve any doubts as to the extent of its jurisdiction; only it cannot extend the periods prescribed by the Treaty unless it be renewed by the parties.

RULE 5. If doubts should arise as to whether a given subject of controversy be comprised among those agreed upon as subjects of Arbitration in a particular treaty, and if one of the parties should require the doubt to be settled by Arbitration, the other party cannot on any pretext refuse such Arbitration; it shall only be lawful for it to exact that the judgment be limited to the admissibility of the demand for Arbitration, reserving for itself the right to call for a judgment upon the merits of the case, if necessary, by another Arbitration.

RULE 6. The Arbitration Agreement shall lay down what methods of proof are admissible, and what shall be the periods for their production and examination. Where such are not settled in the Arbitration Agreement, the Arbitrators shall themselves lay down preliminary general rules, or a set of special rules.

RULE 7. The rules relative to admissibility or order of proofs under the Arbitration, or under the special rules which the Arbitrators shall have drawn up at the initial stage of their labors in execution of the Arbitration, shall remain unalterable throughout the duration of the proceedings.

RULE 8. In case of doubt, or of the silence of the Arbitration Agreement, or of the special rules, those modes and forms of proof which have not been expressly excluded by the Arbitration Agreement or by the special rules, and which are not incompatible with the nature of the controversies or with the principles of Public International law, shall be freely admitted.

RULE 9. The Court of Arbitration shall give its judgment upon the vote of a simple majority—without specifying the names and qualifications of the dissenting judges.

The dissenting members of the Court, as such, shall have no right to insert a special Minute of their dissent or of the grounds on which it was based, in the Acts of the Arbitration, save in the case of the majority having explicitly refused to take cognizance of the documents, facts or arguments, upon which such dissent is based.

RULE 10. When the sentence is composed of several decisions or parts, it shall not be published until the Court shall have completely fulfilled its office, saving the right of the President of the Court to communicate a portion or extract thereof, as an official document, to any party which shall show that delay in publication would be injurious to it.

RULE 11. When not expressly forbidden by the Arbitration Agreement, any party may require the Court to review its judgment, saving any rights already acquired under the judgment, if such requisition is based upon any of the following grounds:

a Conflict between the provisions either of the judgments or of the parts of one and the same judgment.

b When the decision is expressly founded upon false Documents or other evidence, and the party alleging such falsity had no previous knowledge thereof, and when it has been established by an authority whose competence is not, or cannot be, impugned by the laws of either of the contending parties.

c Error in fact, in so far as the Award may be based expressly on the existence or non-existence of a particular fact or act, to the existence or non-existence of which exception has not been taken before the Court, or which could not have been demonstrated to it, having only become apparent after the Award by proofs admitted by all parties to be conclusive.